DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 33 – 42 and 50 – 56** are rejected under 35 U.S.C. 102(e) as anticipated by **or, in the alternative,** under 35 U.S.C. 103(a) as obvious over **Treyz (US Patent 6,587,835)** in view of **Filler et al. (WO 00/11827)** in further view of **Hayashi (US Patent 6,192,259 B1)**.

3. **Claims 33 – 42, 50 – 56, and 62** are rejected under 35 U.S.C. 102(e) as being anticipated by **Treyz (US Patent 6,587,835)**.

4. In regards to **claims 35, 36, 40, and 55**, **Treyz** discloses an apparatus/cellular mobile communication phone comprising:

data **(inherently included)**;

a memory configured to store data **(Figure 4 at least #74)**;

a circuitry configured to instruct a display to display data and further configured to coordinate trading data **(Fig. 4 #96, 104)**;

a detector configured to detect whether a different apparatus (cellular mobile communication phone) is available/capable for trading data **(Col. 45 Lines 21 - 30)**; and

wherein the detector is further arranged to detect the availability of a data **(inherently included in that a cellular phone is configured to be in communication with the nearest cellular phone tower and to also allow incoming calls)**.

Regarding the limitation that the data is pertaining to a digital collectible card and the digital card configured to be viewable according to a time limit, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

5. In regards to **claim 33, 34, and 51**, **Treyz** discloses further comprising:

a short-range wireless communication transceiver configured to directly communicate with the different apparatus (cellular mobile communication phone) for trading digital collectable card **(Fig. 4 # 94; see also Col. 13 Lines 16 – 37)**.

wherein the short-range wireless communication transceiver comprises a Bluetooth transceiver **(Col. 13 Lines 16 – 37)**.

6. In regards to **claims 37 and 52**, **Treyz** discloses further comprising:

a cellular mobile communication network **(inherently includes see also at least Fig. 1)**; and

a means for determining whether the (first) apparatus and the (second) different apparatus are in the same cell of the cellular mobile communication network **(see at least Col. Lines 21 – 30 wherein monitoring if a second phone is in the vicinity would require that the second phone is in the same cell)**.

7. In regards to **claims 38 and 56**, **Treyz** discloses further arranged to transfer confirmation and registration messages to a server via a cellular mobile communication network **(Further, applicant should note that logging on to cellular mobile communication networks is similar to wire communication networks. Normally, the phone number, the phone's SIM's number on a GSM system, or both identifies the user of the cellular mobile phone. This would result in having information transmitted between the cellular phone and the cellular tower to determine whether the phone is in the correct network (i.e. Verizon or AT&T) and in the event that it is not a roaming signal would be displayed to the user.)**.

8. In regards to **claim 39**, **Treyz** discloses further arranged to determine whether the different apparatus is in the vicinity of the apparatus **(Col. 45 Lines 21 – 30)**.

9. In regards to **claim 41**, **Treyz** discloses wherein the detector is further arranged to determine whether another piece of data is available **(see at least Col. 10 Lines 9 – 42 wherein the cellular phone is configured to receive data from various locations and wherein it is also configured to search for other cellular towers when it has left the current cell)**.

10. In regards to **claim 42**, **Treyz** discloses wherein the apparatus and the different apparatus are operable to exchange data **(see at least Col. 45 Lines 21 – 30 wherein monitoring would require data to be exchanged between the 2 mobile phones)**.

11. In regards to **claims 50 and 62**, **Treyz** discloses a system for trading data comprising:

a remote server for storing data **(Col. 2 Lines 15 – 27 wherein a server in communication with the handheld device is disclosed)**;

a first apparatus configured to store data, wherein the system is configured to detect the data and wherein the data is configured to be associated with a user of the first apparatus; **(Fig. 2 # 12, Applicant should note that logging on to cellular mobile communication networks is similar to wire communication networks. Normally, the phone number, the phone's SIM's number on a GSM system, or both identifies the user of the cellular mobile phone. This would result in having information transmitted between the cellular phone and the cellular tower to determine whether the phone is in the correct network (i.e. Verizon or AT&T) and in the event that it is not a roaming signal would be displayed to the user)**; and

a second apparatus having a second user, wherein the second apparatus is capable for associating the second user with the data, the second apparatus configured to determine if the first apparatus is in the vicinity of the second apparatus **(Fig. 2 # 12, wherein multiple users can use the system, see also Col. 45 Lines 21 – 30 wherein a second user who would also be monitoring for a specific mobile phone would receive the first mobile phone's identification data. [See also provided example in citation])**;

(Claim 62) a network entity arranged to associate data with the first mobile communication phone (first apparatus) **(inherently included)**;

wherein the system is configured to detect whether the second apparatus **(Claim 62** second mobile communication phone**)** is available for trading data, and wherein the

first and second apparatus **(Claim 62** first and second mobile communication phone**)** both comprise a short-range wireless communication transceiver configured to directly communicate between the first and second apparatus **(Claim 62** second mobile communication phone**)** for trading data, and wherein the first apparatus **(Claim 62** first mobile communication phone**)** is configured to detect whether the second apparatus mobile phone is available for trading the data **(Col. 13 Lines 16 – 37 wherein multiple users can use the system; Col. 45 Lines 21 – 30 wherein a second user who can also be monitoring for a specific mobile phone would receive the first mobile phone's identification data. [see also provided example in citation])**; and

wherein the short-range wireless communication transceiver of the first apparatus **(Claim 62** first mobile communication phone**)** being arranged to detect a request for availability of data from the second apparatus **(Claim 62** second mobile communication phone**) (Col. 45 Lines 21 – 30 wherein a second user who can also be monitoring for a specific mobile phone would receive the first mobile phone's identification data. [See also provided example in citation])**.

Regarding the limitation that the data is pertaining to a digital collectible card and wherein the first card is temporarily viewable according to a time limit, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

12. In regards to **claim 53**, **Treyz** discloses further comprising:

a transceiver for cellular mobile wireless communication over a cellular mobile communication network **(Fig. 4 # 94)**;

an input user interface to communicate to the cellular mobile communication network **(Fig. 4 #84, 90)**;

an output user interface to display data **(Fig. 4 #82)**;

a processor configured to transmit identity information over the cellular mobile communication network and a request to receive data **(Fig. 4 # 68, 96, 104)**.

wherein the data is adapted to be associated with a user based on the identity information transmitted **(Further, applicant should note that logging on to cellular mobile communication networks is similar to wire communication networks. Normally, the phone number, the phone's SIM's number on a GSM system, or both identifies the user of the cellular mobile phone. This would result in having information transmitted between the cellular phone and the cellular tower to determine whether the phone is in the correct network (i.e. Verizon or AT&T) and in the event that it is not a roaming signal would be displayed to the user)**.

13. In regards to **claim 54**, **Treyz** discloses wherein the user identity information includes a password **(Page 18 Lines 41 – 58)**.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. **Claims 33 – 42, 50 – 56, and 62** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Treyz (US Patent 6,587,835)** in view of **Filler et al. (WO 00/11827)** and in further view of **Hayashi (US Patent 6,192,259 B1)**.

16. In regards to **claims 35, 36, 40, and 55**, **Treyz** discloses a apparatus/cellular mobile communication phone comprising:

a memory configured to store features of the data card associated with a user of the apparatus, the digital collectable card having features specified according to capabilities of the apparatus stored on a remote server **(Figure 4 at least #74; Col. 2 Lines 15 – 27 wherein a server in communication with the handheld device is disclosed and wherein one of ordinary skill in the art would have recognized that in order for the handheld device to be in communication with the server the handheld device must contain data associated with the user in order to provide the proper authorization for the handheld device to communicate and retrieve any pertinent information from the server)**;

circuitry configured to instruct a display to display the selected features of the data and further configured to coordinate a trade of the data **(Fig. 4 #96, 104)**;

a detector configured to detect whether a different apparatus is available for trading data **(Col. 45 Lines 21 - 30)**; and

a short-range wireless communication transceiver for directly communicate with the different apparatus for trading data, **(Fig. 4 # 94; see also Col. 13 Lines 16 – 37)**.

However, **Treyz** fails to explicitly disclose:

wherein the data being transferred is a digital collectible card; and

wherein the digital collectable card is configured to be temporarily viewable according to a time limit.

Filler discloses a communication network where a user of a communication device is associated with a digital collectible card and is able to trade the digital tradable card with another user of a second communication device **(See at least Page 2 Lines 17 – 29, Page 27 – 18 Lines 13 – 2; Fig. 19)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Treyz** to allow a user to trade digital collectible cards with other users, as taught by **Filler**, in order provide the ability to more easily trade and expand the number of users that are capable of trading digital cards.

However, the **combination of Treyz and Filler** fails to disclose:

wherein the digital collectable card is configured to be temporarily viewable according to a time limit.

However, the Examiner asserts that one of ordinary skill in the art of card trading would have recognized the need to allow a potential purchasing receipt to preview a card in order to verify its authenticity. As a result, one of ordinary skill in the art card

trading would have found it obvious to carry over this feature into an electronic environment. With that said, one of ordinary skill in the art would have looked upon **Hayashi** who teaches that it is old and well known to provide transmitted data with the feature of deleting itself when a period of time expires after transmission **(Col. 6 Lines 14 – 23)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the **combination of Treyz and Filler** with the teachings of **Hayashi** as a means of allowing card traders with the security and confidence of allowing potential purchasing users, for example, with the option of previewing data, in this case a digital collectable card, in order to verify its authenticity, for example, and not have to worry about the potential purchasing user to "run away" with the data prior to purchasing it.

17. In regards to **claim 33, 34, and 51, the combination of Treyz, Filler, and Hayashi** discloses wherein the short-range wireless communication transceiver comprises a Bluetooth transceiver **(Treyz Col. 13 Lines 16 – 37)**.

18. In regards to **claims 37 and 52, the combination of Treyz, Filler, and Hayashi** discloses further comprising:

a means for determining whether the apparatus and the different apparatus are in the same cell of the cellular mobile communication network **(Treyz see at least Col. Lines 21 – 30 wherein monitoring if a second phone is in the vicinity would require that the second phone is in the same cell)**.

19. In regards to **claims 38 and 56, the combination of Treyz, Filler, and Hayashi** discloses further arranged to transfer confirmation and registration messages to a server via a cellular mobile communication network **(Filler Figure 3; Applicant should note that logging on to cellular mobile communication networks is similar to wire communication networks. Normally, the phone number, the phone's SIM's number on a GSM system, or both identifies the user of the cellular mobile phone. This would result in having information transmitted between the cellular phone and the cellular tower to determine whether the phone is in the correct network (i.e. Verizon or AT&T) and in the event that it is not a roaming signal would be displayed to the user.)**.

20. In regards to **claim 39, the combination of Treyz, Filler, and Hayashi** discloses further arranged to determine whether the different apparatus is in the vicinity of the apparatus **(Treyz Col. 45 Lines 21 – 30)**.

21. In regards to **claim 41, the combination of Treyz, Filler, and Hayashi** discloses further arranged to determine whether another piece of data (digital collectible card) is available **(Filler Pages 27 – 28 Lines 13 – 2)**.

22. In regards to **claim 42, the combination of Treyz, Filler, and Hayashi Iler** discloses wherein the apparatus and the different apparatus are operable to exchange messages **(Treyz see at least Col. 45 Lines 21 – 30 wherein monitoring would require data to be exchanged between the 2 mobile phones; Filler Figure 19 #1060, 1070, 1080; Moreover, the Examiner also asserts that the concept of text messaging/instant messaging is an old and well known function of cell phones**

[for more information see supplied references "Keeping in touch It's not enough to have instante messaging on your phone PCs these days. Get ready for instant messages on your cell phone. AT&T Wireless offers it, and Sprint PCS will soon.").

23. In regards to **claims 50 and 62, Treyz** discloses a system for trading data comprising:

a remote server for specifying features of the data according to characteristics of a first apparatus stored on the remote server **(Col. 2 Lines 15 – 27 wherein a server in communication with the handheld device is disclosed and wherein one of ordinary skill in the art would have recognized that in order for the handheld device to be in communication with the server the handheld device must contain data associated with the user in order to provide the proper authorization for the handheld device to communicate and retrieve and pertinent information from the server)**;

the first apparatus configured to store the specified features of the data, wherein the system is configured to detect the data, and wherein the data is configured to be associated with a user of the first apparatus **(Fig. 2 # 12, Applicant should note that logging on to cellular mobile communication networks is similar to wire communication networks. Normally, the phone number, the phone's SIM's number on a GSM system, or both identifies the user of the cellular mobile phone. This would result in having information transmitted between the cellular phone and the cellular tower to determine whether the phone is in the correct network**

(i.e. Verizon or AT&T) and in the event that it is not a roaming signal would be displayed to the user);

a second apparatus having a second user, the second apparatus being capable of associating the second user with the data, the second apparatus configured to determine if the first apparatus is in the vicinity of the second apparaatus **(Fig. 2 # 12, wherein multiple users can use the system, see also Col. 45 Lines 21 – 30 wherein a second user who would also be monitoring for a specific mobile phone would receive the first mobile phone's identification data. [See also provided example in citation])**;

(Claim 62) a network entity arranged to associate data with the first mobile communication phone **(obviously included)**;

wherein the system is configured to detect whether the second apparatus **(Claim 62** second mobile communication phone**)** is available for trading data, and wherein the first and second apparatus **(Claim 62** first and second mobile communication phone**)** both comprise a short-range wireless communication transceiver configured to directly communicate between the first and second apparatus **(Claim 62** second mobile communication phone**)** for trading data, and wherein the first apparatus **(Claim 62** first mobile communication phone**)** is configured to detect whether the second apparatus mobile phone is available for trading the data **(Col. 13 Lines 16 – 37 wherein multiple users can use the system; Col. 45 Lines 21 – 30 wherein a second user who can also be monitoring for a specific mobile phone would receive the first mobile phone's identification data. [see also provided example in citation])**; and

wherein the short-range wireless communication transceiver of the first apparatus **(Claim 62** first mobile communication phone**)** being configured to detect a request for availability of data from the second apparatus **(Claim 62** second mobile communication phone**) (Col. 45 Lines 21 – 30 wherein a second user who can also be monitoring for a specific mobile phone would receive the first mobile phone's identification data. [See also provided example in citation])**.

However, **Treyz** fails to explicitly disclose:

wherein the data being transferred is a digital collectible card; and

wherein the digital collectable card is configured to be temporarily viewable according to a time limit.

Filler discloses a communication network where a user of a communication device is associated with a digital collectible card and is able to trade the digital tradable card with another user of a second communication device **(See at least Page 2 Lines 17 – 29, Page 27 – 18 Lines 13 – 2; Fig. 19)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Treyz** to allow a user to trade digital collectible cards with other users, as taught by **Filler**, in order provide the ability to more easily trade and expand the number of users that are capable of trading digital cards.

However, the **combination of Treyz and Filler** fails to disclose:

wherein the digital collectable card is configured to be temporarily viewable according to a time limit.

However, the Examiner asserts that one of ordinary skill in the art of card trading would have recognized the need to allow a potential purchasing receipt to preview a card in order to verify its authenticity. As a result, one of ordinary skill in the art card trading would have found it obvious to carry over this feature into an electronic environment. With that said, one of ordinary skill in the art would have looked upon **Hayashi** who teaches that it is old and well known to provide transmitted data with the feature of deleting itself when a period of time expires after transmission **(Col. 6 Lines 14 – 23)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the **combination of Treyz and Filler** with the teachings of **Hayashi** as a means of allowing card traders with the security and confidence of allowing potential purchasing users, for example, with the option of previewing data, in this case a digital collectable card, in order to verify its authenticity, for example, and not have to worry about the potential purchasing user to "run away" with the data prior to purchasing it.

24. In regards to **claim 53**, **the combination of Treyz, Filler, and Hayashi** discloses further comprising:

a transceiver for cellular mobile wireless communication over a cellular mobile communication network **(Fig. 4 # 94)**;

an input user interface to communicate to the cellular mobile communication network **(Fig. 4 #84, 90)**;

an output user interface to display data (digital collectible card) **(Fig. 4 #82)**;

a processor configured to transmit identity information over the cellular mobile communication network and a request to receive data (digital collectible card) **(Fig. 4 # 68, 96, 104)**.

wherein the data is adapted to be associated with a user based on the identity information transmitted **(Further, applicant should note that logging on to cellular mobile communication networks is similar to wire communication networks. Normally, the phone number, the phone's SIM's number on a GSM system, or both identifies the user of the cellular mobile phone. This would result in having information transmitted between the cellular phone and the cellular tower to determine whether the phone is in the correct network (i.e. Verizon or AT&T) and in the event that it is not a roaming signal would be displayed to the user)**.

25. In regards to **claim 54, the combination of Treyz, Filler, and Hayashi** discloses wherein the user identity information includes a password **(Treyz Page 18 Lines 41 – 58; Filler Page 15 Lines 31 – 33)**.

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26. **Claims 44 – 49, 57 – 61** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Filler et al. (WO 00/11827)** in view of **Yu et al. (US Patent 6,684,087)** and in further view of **Treyz (US Patent 6,587,835)** and in further view of **Hayashi (US Patent 6,192,259 B1)**.

27. In regards to **claims 44, 45, 46, 47, 57, 59, and 61**, **Filler** discloses a method comprising:

specifying, via a circuitry, features of data according to capabilities of a first apparatus stored on the remote server **(see at least Page 8 Lines 18 – 31 wherein a server in communication with the user is disclosed and wherein one of ordinary skill in the art would have recognized that in order for the user, with the use of a device (computer), to be in communication with the server the user would have data associated with the user in order to provide the proper authorization for the user to communicate and retrieve any pertinent information from the server)**;

storing, at a memory, data at the first apparatus (first mobile phone) **(inherently included in mobile phones)**;

associating the digital collectible card data file with the first apparatus (first mobile phone) is performed at a network entity **(Page 2 Lines 17 – 29)**;

detecting whether the second apparatus is available for trading a digital collectable card **(Page 27 – 28 Lines 13 – 2 wherein agreeing to terms of the trade and swapping cards would require the system to determine if the second device is available a digital collectible card and the act of swapping would only occur if a particular card has been detected. This would further result in detecting whether the second device has a digital collectible card trading capability because if it doesn't then the swap would not occur.)**; and

Filler is discussed above, but fails to disclose:

the communication network to be a cellular mobile communication network and the computer is to be a cellular mobile phone;

communicating within an operational range of short-range wireless communication to trade the digital collectable card directly between the first apparatus and the second apparatus for trading the particular digital collectable card; and

exchanging a short-range wireless communication between the first and second mobile phones; and

wherein the digital collectable card is configured to be temporarily viewable according to a time limit

Yu discloses a computer being a mobile cellular phone to enter a cellular mobile communication network and use the Internet to download digital collectible trading cards as an alternative to trading data over wired connections. Further still, it is asserted that a cell phone is a short-range wireless communication device in that they can only function if it is within the range of a cellular phone tower **(see provided Google Definition of "Cell")**. Moreover, the concept of exchanging communication between the first and second mobile phone, whether through text or voice, is a feature that is already included in mobile phones since those are the primary functions of the device.

Therefore, as taught by **Yu**, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a cellular mobile phone in a cellular mobile communication network to enter the Internet, as an alternative to wired communication, and download digital collectible trading cards. Further, applicant should note that logging on to cellular mobile communication networks is similar to wire

communication networks. Normally, the phone number, the phone's SIM's number on a GSM system, or both identifies the user of the cellular mobile phone.

However, **the combination of Filler and Yu**, as modified above, fails explicitly disclose:

detecting whether a first apparatus (first mobile phone) is in the vicinity of a second apparatus (second mobile phone); and

detecting whether the first apparatus (first mobile phone) is in the vicinity of the second apparatus (second mobile phone) comprises determining whether the second apparatus (second mobile phone) are in the same cell of a cellular mobile communication network is old and well known; and

wherein the digital collectable card is configured to be temporarily viewable according to a time limit

Treyz teaches determining the vicinity of a second user based on location information of an apparatus of a user and of an apparatus of a second user to find the proximity of the second user with respect to the user **(Col. 45 Lines 21 – 30)**. Further still, detecting whether the first apparatus (first mobile phone) is in the vicinity of the second apparatus (second mobile phone) comprises determining whether the second apparatus (second mobile phone) are in the same cell of a cellular mobile communication network is old and well known **(see provided Newton Telecom Dictionary definition for Cell and CMTS)**.

Therefore, as taught by **Treyz**, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to determine the vicinity of

a second user based on the location information of the apparatus of the user and of the apparatus e of the second user to find the proximity of the second user with respect to the user.

However, the **combination of Filler, Yu, and Treyz** fails to disclose:

wherein the digital collectable card is configured to be temporarily viewable according to a time limit.

However, the Examiner asserts that one of ordinary skill in the art of card trading would have recognized the need to allow a potential purchasing receipt to preview a card in order to verify its authenticity. As a result, one of ordinary skill in the art card trading would have found it obvious to carry over this feature into an electronic environment. With that said, one of ordinary skill in the art would have looked upon **Hayashi** who teaches that it is old and well known to provide transmitted data with the feature of deleting itself when a period of time expires after transmission **(Col. 6 Lines 14 – 23)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the **combination of Filler, Yu, and Treyz** with the teachings of **Hayashi** as a means of allowing card traders with the security and confidence of allowing potential purchasing users, for example, with the option of previewing data, in this case a digital collectable card, in order to verify its authenticity, for example, and not have to worry about the potential purchasing user to "run away" with the data prior to purchasing it.

28. In regards to **claims 48 and 60**, **Filler** discloses further comprising a means for transferring confirmation and registration messages to a server administering the digital collectable card via a mobile communications network **(Figure 3)**.

29. In regard to **claim 49**, **Filler** discloses wherein the first and second mobile terminals are operable to exchange messages proposing a meeting to trade the digital collectable card **(Figure 19 #1060, 1070, 1080; Moreover, the Examiner also asserts that the concept of text messaging/instant messaging is an old and well known function of cell phones [for more information see supplied references "Keeping in touch It's not enough to have instant messaging on your phone PCs these days. Get ready for instant messages on your cell phone. AT&T Wireless offers it, and Sprint PCS will soon.")**.

30. In regards to **claim 58, the combination of Filler, Yu, Treyz, and Hayashi** discloses further arranged to transfer confirmation and registration messages to a server via a cellular mobile communication network **(Filler Figure 3; Applicant should note that logging on to cellular mobile communication networks is similar to wire communication networks. Normally, the phone number, the phone's SIM's number on a GSM system, or both identifies the user of the cellular mobile phone. This would result in having information transmitted between the cellular phone and the cellular tower to determine whether the phone is in the correct network (i.e. Verizon or AT&T) and in the event that it is not a roaming signal would be displayed to the user.)**

Response to Arguments

Rejection under 35 USC 101

31. The rejection under 35 USC 101 has been **withdrawn** due to the provided amendments. Additionally, the Examiner is withdrawing the rejection because, at the moment, the apparatus containing the digital card is programmed to make the digital care temporarily available and determines whether other apparatuses are in vicinity of one another.

Rejection under 35 USC 112, first paragraph

32. The rejection under 35 USC 112, first paragraph, has been **withdrawn** due to amendments.

Claim Rejections

33. Applicant's arguments with respect to **claims 33 – 42 and 44 – 62** have been considered but are moot in view of the new ground(s) of rejection.

Specifically, the applicant's arguments are directed towards newly introduced limitations not previously presented or discussed.

Conclusion

34. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Specifically, the applicant has amended the claims to include features that were not previously considered and required the introduction of an additional reference, **Hayashi**. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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